

Withington Group Neighbourhood Development Plan 2017-2031

Analysis of comments received at Regulation 14 Stage

Report of NDP Steering Group to Withington Group Parish Council

Background

The Withington Group NDP was published for the purposes of Regulation 14 in June/July/August 2018.

14 responses were received as listed below. They can be summarised in one of three characteristics:

- Neutral** responses or **Support** – or ones that can otherwise be just noted
- Conditional Support** subject to consideration of details and/or minor changes
- Objections** to the plan as drafted

It is potentially significant that during the consultation period, in July 2018, a revised National Planning Policy Framework was published by Government. Note that paragraph 214 of the Revised Framework does not come into effect for NDPs submitted for examination before 24th January 2019:

214. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned. ^[1]_[SEP]

Responses which are **neutral** or are in **support** (and can be noted as such):

- CPRE Herefordshire
- Natural England
- Environment Agency
- Historic England
- Coal Authority
- Homer and Shelwick Parish Council
- National Grid.

Responses giving **conditional** support – subject to modest amendments to the text and/or maps.

- Whitestone Business Park
- Private person, Westhide
- Herefordshire Council

Responses in **objection** to the Draft NDP

- Gladman Development Ltd
- Westhide Estate
- Private Person, Withington
- Private Person, Cross Keys

The responses of the Steering Group and recommended actions for the Parish Council are set out in the schedules below.

Schedule 1 – Summary of Responses to Regulation 14 Consultation				
	Respondent	Summary of Response	Issues	Recommended response
01	CPRE	<p>Standard response suggesting careful consideration of the following issues:</p> <ol style="list-style-type: none"> 1. Large scale economic activities 2. Conserving Landscape Character 	In the response these issues are detailed further. The question posed is whether the Draft NDP policies address these issues adequately given the constraints of the NPPF, the Herefordshire Core Strategy (HCS), and the nature of the NDP area itself.	Note that these issues are specifically addressed in the NDP as drafted. Given the standard nature of the response, and the detailed policies covering issues in both the HCS and the NDP it is <i>recommended</i> that no further changes are made
02	Natural England	Neutral response concluding with: "Having looked at the policies in the plan we do not wish to make specific comments".	Noted	Noted
03	Herefordshire Council	<p>General comment thus: "Overall the plan is a well written and well researched plan. It is clear to see that the policies have taken into account the views of the local community and have carried out various consultations. It is clear that the plan takes a positive approach towards identifying settlement boundaries and allocation of housing in line with the Core Strategy".</p> <p>The response then gives a commentary on each policy to confirm whether or not it is in conformity with the HCS.</p> <p>P1 – in general conformity P2 - in general conformity</p> <p>P3 – object to restricting infill developments to "one or two" houses. Suggested alternative: "small-scale infill sites"</p>	<p>General support</p> <p>Noted Noted</p> <p>This specific policy applies only to Westhide and Preston Wynne – settlements which have no Settlement Boundaries at present. It is in the character of these small settlements that</p>	<p>Support welcomed and noted</p> <p>Support welcomed and noted.</p> <p>Policy P3 – given the very limited application of this restriction, and the character of the two small settlements, the limitation of up to two dwellings seems reasonable.</p>

			<p>multiple developments on one restricted site would be out of character. The policy, as drafted, is therefore of very limited application and does not apply as a general principle through the whole NDP.</p>	<p>However, in the light of the objection and to add some further flexibility changing “one or two” to “no more than three” is <i>recommended</i>. In all other respects the policy should be retained as drafted.</p>
		<p>P4 – concern that the policy may be difficult to interpret and enforce in practice.</p>	<p>The concern appears to be one of interpretation of the policy rather than one of general conformity. The concern relates specifically to criterion d of the policy which seeks to prevent street scenes being dominated by garages</p>	<p>The purpose of criterion d is to ensure a residential character to the appearance of new housing developments such that the street scene is not dominated by garages. This seems entirely appropriate given the character of the settlements within the NDP area anyway. It is <i>recommended</i> that criterion d is retained as drafted.</p>
		<p>Policies P5 to P16 inclusive – in general conformity</p>	<p>Noted</p>	<p>Support welcomed and noted</p>
		<p>Policy P17 – reference should be made to the sequential tests set out in the NPPF and regard should be had to the Strategic Flood Risk Assessment for Herefordshire 2009</p>	<p>Noted</p>	<p><i>Recommended</i> that suitable references be added in the text in the form of new paragraph 4.41</p>
		<p>Herefordshire Council Highways and Transport Team</p>	<p>Policy P7 should include reference to cycle access</p>	<p>Agreed – criterion f added to Policy P16 relating specifically to improvements to cycle access</p>
			<p>Policy P16 – would like reference to be made to encouraging “Active travel measures”</p>	<p>Agreed – text added to paragraph 4.28 accordingly</p>
		<p>Herefordshire Council Environmental Health Team</p>	<p>Policy P4 – suggest adding a further criterion: “h The amenity of new</p>	<p>Adding this criterion into the Draft NDP at this stage will bring the NDP into line with</p>

		Air, Land and Water Protection Team	residential occupiers should not be adversely affected by existing agricultural or commercial activity". This suggested additional criterion effectively anticipates the application of the revised NPPF published in July 2018, paragraph 182. No specific sites are identified that and hence unable to provide comment with regard to potential contamination	emerging national policy. <i>Recommend</i> that criterion h) is added as suggested. Noted
04	Private Person, Cross Keys	Private Person, Cross Keys offers support for Objective 1, and paragraphs 4.1 and 4.3. Additionally, Private Person, Cross Keys also seeks an extension to the proposed Settlement Boundary of Withington Marsh to enclose the paddock at the rear of the Cross Keys PH.	Whilst the support for the paragraphs identified and objective 1 is welcomed and noted, the main thrust of the response is to seek an effective release from Open Countryside policies of an area of land at the rear of the public house. The site was subject to a planning application for 8 houses in August 2018 and is thus perceived as being capable of significant new development. (At the time of drafting this report the outcome of the planning application is unknown). The part of the site with a frontage directly onto the A465 is within the proposed Settlement Boundary anyway. Part of the site at the rear also has a frontage to The Stallange (an adopted highway).	Support for the Objective and paragraphs welcomed and noted. <i>Recommend</i> that consideration be given to a modest extension to the Draft Settlement Boundary to allow for small scale frontage development onto The Stallange – but not the whole site as suggested in the objection because this part of the proposed settlement boundary extension would have no highway frontage and could only be developed by either a form of "backland" development, or by cresting a new road into the rear of the houses fronting the A465 – which would be entirely out of keeping with the existing character of Withington Marsh
05	Holmer and Shelwick Parish Council	Unanimous support	Noted	Welcomed and noted

06	Whitestone Business Park	Object to the description "Care Home" in Policy P1 for the approved development of land north of Whitestone Business Park.	The objector suggests that this objection can be overcome with an amendment to the wording of the policy to reflect the nature of the permission as granted.	Outline planning permission for the site was granted in June 2016, Herefordshire Council reference 152042, for a "proposed Extra Care Development". <i>Recommend</i> that the wording of policy P1 be amended accordingly.
07	Environment Agency	Chose not to offer a "bespoke comment at this time" on the plan. Should any specific and significant new site be proposed for development then further consultation is recommended.	Noted	Noted
08	Westhide Estate	Objects to the draft Settlement Boundary for Westhide and wishes it to be altered to include an area of "largely derelict dairy yard" immediately to the west of the proposed boundary.	As land in former agricultural use the site falls outside the definition of "Previously Developed Land" in the NPPF. Consequently this objection is seeking the release of a "Greenfield" site for development on a site that would create a significant extension to the Draft Settlement Boundary.	There is no overarching need for further land releases in Westhide, especially land of this scale which would amount to a very significant increase in the area of the Draft Settlement Boundary. If developed most of the site would effectively be "backland" development unless a new road were developed into the site. Such forms of development would be entirely out of keeping with the character of Westhide. Consideration could, however, be given to a modest extension westward of the Settlement Boundary to allow for frontage development immediately to the west of Townsend Farmhouse. <i>Recommend</i> that a minor adjustment to the Settlement Boundary be made to add a small length of

				frontage across the front of the objection site.
09	Historic England	“Overall we feel that [the NDP] is a well-considered, concise and fit for purpose Plan constituting a positive example of community led planning.”	Welcomed and noted	Welcomed and noted
10	National Grid	No concerns raised	Noted	Noted
11	Gladmans	<p>The objection commences with a long introduction detailing aspects of National Planning Policy, culminating in a request that the objector should be contacted to take the plan forward.</p> <p>Policy P1 – object to the inclusion of unimplemented planning permissions as allocations</p> <p>Policies P2 and P3 – object to the use of Settlement Boundaries</p> <p>Policy P4 – object to detailed policies for Local Distinctiveness and Design.</p>	<p>Taken together the objection amounts to an objection to an NDP that has not been drafted by the objector!</p> <p>The suggested changes would amount to relying solely on the NPPF for all future planning guidance, without reference to the Herefordshire Core Strategy or any local circumstances (including the outcome of local consultation and participation in the preparation of the Draft Plan).</p>	<p>Policy P1 - The outstanding permissions exist and could be implemented at any time – it is entirely sensible that they be included in all considerations of housing land supply, especially in the light of the oversupply of land for housing in the NDP area. This could be made clearer by more supporting information of the options considered in drawing up the Daft NDP.</p> <p>Policy P2 – the use of Settlement Boundaries is a tried and tested planning technique suitable for rural area such as Herefordshire. Their use in the NDP is entirely consistent with the Core Strategy</p> <p>Policy P4 – a specific role of NDPs is to put “local colour” into design policies – and that is exactly what Policy P4 does in the</p>

		<p>Policy P6 – object to the identification of Green Spaces.</p> <p>Policy P8 object to the policy for Conserving Historic Character</p>		<p>light of local circumstances and character.</p> <p>The NPPF makes specific provision for “Local Green Spaces” as does the Core Strategy. The principle is therefore entirely sound – albeit what is lacking is further commentary in the NDP (and/or associated papers) to explain the rationale behind the choice and extent of Local Green Spaces.</p> <p>Relying on national planning policies alone is fine for general principles – this policy is quite specific in how those policies can be applied in the NDP area.</p> <p><i>Recommend - Overall these objections are not adequate to justify amending the policies – but further explanation of the process by which they were derived could be made explicit by publishing Background Papers on both housing land options and on the selection and assessment of Green Spaces with appropriate references added in the text of the Plan.</i></p>
12	Private person, Westhide	Supports policy P6 on Green Spaces, with particular regard to the one in Westhide, but suggests minor amendment to the detailed wording of paragraph 4.26	Noted	<i>Recommend amending the wording of paragraph 4.26 accordingly.</i>

		to clarify its location. Policy P3 Westside settlement boundary and Policy P12 Employment	Suggests minor amendment to the Draft Settlement Boundary in the vicinity of St Bartholomew's Church, a grade I listed building.	Point noted: <i>Recommend</i> –making minor adjustment to the boundary accordingly.
13	Private Person, Withington	This objection is very detailed and lengthy but, on close analysis, focuses in on just one site: the objector's land between the main body of Withington and Duke Street – known locally as "The Mintons". The objection could be overcome by removing the allocation of the site as a Local Green Space and amending the Settlement Boundary to include it within the developable area of the village.	<p>The first issue to consider is whether there is an adequate supply of land for housing in the NDP. As part of the preparation for the NDP a consultation took place locally on 13 potential new sites for housing development including this site. There was a consistent and high level of local opposition to development of this site and, subsequently, advice from Herefordshire Council on housing land supply confirmed the current oversupply of land for housing in the NDP area. Thus, with regard to housing land supply alone, this site is not required.</p> <p>The second issue is the nature of the site itself. It is "greenfield" land and thus on any sequential test is not one that would expect to be brought forward for development.</p> <p>Looking at the more specific characteristics of the site, it occupies and creates a locally significant green space between Duke Street and the main body of Withington, and is a significant element in the setting of the listed church and conservation area. It is therefore not an appropriate site for</p>	<p>In terms of housing land supply there is no need for this land to come forward as land for housing.</p> <p>In terms of its specific characteristics it is "Greenfield" land and within the setting of heritage assets; namely the church and conservation area.</p> <p>It is an area greatly valued by the local community as a Green Space and meets all the criteria for Local Green Space as set out in the NPPF both in its original (2012) form and as revised (July 2018).</p>

			<p>development in terms of its specific characteristics.</p> <p>Finally, there is the question of community involvement. When the 13 potential sites were looked at this one generated the most objection, and did so again at the open days in January 2018 before the Draft NDP was drawn up.</p>	<p>The report on consultation will demonstrate that this site has proved of great importance to the local community</p> <p>It is arguable that the justification for the Local Green Spaces has not been made specific, and the full extent of the Options considered for housing land in drawing up the NDP has not been published.</p> <p>It is <i>Recommended</i> that the designation of the site as Local Green Space be retained and <i>Background Papers</i> on Land For Housing and selection of Local Green Spaces be published to accompany the submitted plan, with appropriate references added into the text of the plan.</p>
14	The Coal Authority	No specific comments	Noted	Noted

Schedule 2 – Summary of Recommended Actions			
	Respondent	Object/Support/Neutral	Recommended Action
01	CPRE	Support/Neutral	Noted
02	Natural England	Support/Neutral	Noted
03	Herefordshire Council	Support + various minor changes suggested	Policy P3, minor change to allow for “up to three” houses on infill sites. Policy P4: retain as currently drafted. Policy P17 add suggested reference to supporting text. Minor amendments suggested by transport team to be included. Policy P4 (Environmental Health Team comment) add criterion h to the policy as suggested.
04	Private Person, Cross Keys, Cross Keys PH	Object – request extension to Settlement Boundary behind Cross Keys PH	Meet the objection in part by extending the Settlement Boundary to include part of the frontage of the site to The Stallange.
05	Holmer and Shelwick Parish Council	Support	Noted.
06	Whitestone Business Park	Object to Policy P1 by virtue of the description of approved development site – amendment suggested.	Accept objection – reword policy to align with the description of the approved development.
07	Environment Agency	Support/neutral	Noted
08	Westhide Estate	Object – seeks extension of Settlement Boundary	Objection met in part by extending the Settlement Boundary along the site frontage.
09	Historic England	Support	Noted
10	National Grid	Neutral	Noted
11	Gladmans	Object	Objection not accepted – but further explanation of policy choices be made by publishing background papers in respect of housing land supply and selection of Local Green Spaces.
12	Private person, Westhide	Support – but suggests minor changes to Settlement Boundary and text.	Accept suggested changes and incorporate them into revised plan.
13	Private Person, Withington	Object – seeks omission of one Local Green Space and amendment to Settlement Boundary	Objection not accepted – but further explanation of policy choices be made by publishing background papers in respect of housing land supply and selection of Local Green Spaces.
14	Coal Authority	Neutral	Noted

Summary and Conclusions

The draft NDP has received significant support for the most part and most comments and objections can be met either in full or in part without significant alteration to the plan taken as a whole. There are just two objections that remain outstanding in their entirety, items 11 and 13 in the above schedules. It is recommended that an appropriate response to these two objections would be to give a higher profile to the derivation and justification of the policies concerned by publishing Background Papers on Housing Land Supply and Local Green Spaces.

Subject to the modest changes listed in Schedule 2 above the current Draft NDP it is *Recommended* that the Draft NDP can now proceed to submission to Herefordshire Council for the purposes of Regulations 15 and 16 of the Neighbourhood Planning Regulations 2012.

Withington Group Parish Council: NDP Steering Group
28th August 2018